

REMARKS

In the Office Action¹, the Examiner rejected claims 1-4 and 6-17² under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,717,582 to Duong ("Duong") in view of U.S. Patent Application Publication 2003/0057994 to Braun et al. ("Braun"), and further in view of U.S. Patent Application Publication 2002/0194121 to Takayama ("Takayama").

Applicant hereby amends claims 1, 13, and 17. Claims 1-4 and 6-17 are currently pending.

I. Regarding the rejection of claims 1-4 and 6-17 under 35 U.S.C. §103(a) as being unpatentable over Duong in view of Braun and Takayama

Applicant respectfully traverses the rejection of claims 1-4 and 6-17 under 35 U.S.C. § 103(a) as unpatentable over Duong in view of Braun and Takayama. A *prima facie* case of obviousness has not been established with respect to the claims.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007) (internal citation and inner quotation omitted). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art." M.P.E.P. §2143.01(III) (emphasis in original). "In determining the

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

² The Office Action indicates, "[c]laims 1-17 are rejected under 35 U.S.C. § 103(a)" Office Action at p. 2. However, as claim 5 was canceled in Applicant's previous response, Applicant will presume the Examiner intended to indicate claims 1-4 and 6-17 as rejected under 35 U.S.C. § 103(a).

differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), (emphasis in original).

“[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q. 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II) (emphases added). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Independent claim 1, as amended, recites:

an information detection section which detects command information from an external device supplied to the serial bus terminal;

a key operation mode for performing a process in accordance with at least operating information supplied from an operation switch operated by a user arranged on a body, before the information detection section detects the command information.

(emphases added). Duong, Braun and Takayama, taken alone or in combination, fail to teach or suggest at least the claimed operation switch recited in amended claim 1, as well as the claimed command information from an external device.

Duong is directed to a switching circuit which provides “different operational modes, including hard-switching and soft-switching.” Duong, col. 1, ll. 10-11.

Specifically, Duong discloses, “additional circuitry was heretofore required to perform

the time consuming functions of slowing charge of the DC bus capacitor to a target voltage level following its complete discharge before one of the main switches is gated on . . . to avoid damage cause by discharge . . . [s]uch problems are avoided according to the present invention by selection of a hard-switching mode for the power switching circuit 14 during initial start up by gating off one of the mode selector switches 46 and 48 of the mode control section 16 and limiting current discharge from the resonant capacitors” Duong, col. 3, ll. 33-45. As such, Duong simply discloses switching to a hard-switching mode during start up, as a way to protect internal circuitry from damage due to discharge of capacitors.

The Office Action recognized that Duong “does not disclose the switch,” and relies on Braun, specifically paragraphs 0016, 0029, and 0044. See Office Action at p. 3. Braun, however, is completely unrelated to Applicant’s claimed invention.

Braun is directed to “an electronic circuit with a driver circuit to drive a signal onto a signal line.” Braun, ¶ [0002] (emphasis added). Braun is concerned with signals being received “via the bus line [where] the original signal may be overlaid by reflected signals occurring on an unterminated bus line end. The resulting change in the original signal may cause transfer errors.” Braun, ¶ [0004]. To prevent this, Braun provides a driver circuit, having first and second transistors, where “[a] respective signal is applied to control inputs of the first transistor 3 and the second transistor 4 in order to drive a signal, . . . [i]f the driver circuit 1 is not used to drive a signal onto the bus line BUS, the driver circuit 1 is switched to the passive mode. This can be done on the one hand by deactivating the first transistor 3 and the second transistor 4, so that neither the first supply voltage potential VDD nor the second supply voltage potential GND is applied to

the bus line . . . in order to terminate the bus line . . . when no signal is transmitted, it can also be provided that the first transistor 3 and the second transistor 4 [are] simultaneously switched to a forward mode, so that a first forward resistance R1 is present . . . and a second forward resistance R2 is present . . .” Braun, ¶ [0029].

As such, Braun discloses an electrical circuit which has operation modes, such as passive and forward mode, which either apply resistance to the lines, or deactivate first and second transistors. “The operating mode that specifies whether data [is] to be transmitted via the driver circuit, or whether the driver circuit is to be switched to the passive mode, is indicated by a termination control signal TERM on a first input of the control circuit 7.” Braun, ¶ [0044]. Thus, the operation mode is selected according to the TERM signal provided by a control circuit. However, this control circuit simply consists of “a NOR circuit 8, a NAND circuit 9 and an inverter 10.” Braun, ¶ [0044], and See Braun, Figure 1, elements 8-10. The operating mode is determined based on the TERM termination control signal received by these circuits.

In view of the above, there is clearly no teaching or suggestion in Braun of a “key operation mode for performing a process in accordance with at least operating information supplied from an operating switch operated by a user arranged on a body,” as required by independent claim 1. (emphasis added). A control circuit having NOR, NAND, and inverter gates is not an operating switch operated by a user. For example, Applicant brings to the attention of the Examiner Figure 2B³, whereby it is evident the clear differences between Braun and Applicant’s claimed invention. As

³ In making the various references to the specification and drawings set forth herein, it is to be understood that Applicant is in no way intending to limit the scope of the claims to the exemplary embodiments shown in the drawings and described in the specification. Rather, Applicant expressly affirms that it is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

outlined in independent claim 1, as amended, the system (e.g., Figure 2B, element 10) “detects command information from an external device” (e.g., Figure 2B, element 2), however, the system (e.g., Figure 2B, element 10) is set in “a key operation mode for performing a process in accordance with at least operating information supplied from an operation switch operated by a user arranged on a body, before the information detection section detects the command information.” That is, system 10 is operable by a user based on the key operation mode, prior to receiving operating information supplied by external device (e.g., Figure 2B, element 2). Braun clearly does not disclose the “command information from an external device,” or the “operation switch operated by a user arranged on a body,” as recited in amended claim 1.

Takayama does not cure the deficiencies of Duong and Braun. That is, Takayama also does not teach or suggest the “command information from an external device,” or the “operation switch operated by a user arranged on a body,” as recited in amended claim 1.

As such, Duong, Braun, and Takayama, taken alone or in combination, do not teach or suggest at least “detect[ing] command information from an external device [and] a key operation mode for performing a process in accordance with at least operating information supplied from an operation switch operated by a user arranged on a body, before the information detection section detects the command information,” as recited in amended claim 1 (emphasis added).

For at least the above reasons, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and claim 1. Accordingly, the Office Action has not clearly articulated a

reason as to why the claim would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for independent claim 1 and the Examiner should withdraw the rejection of the claim under 35 U.S.C. § 103(a).

Independent claims 13 and 17, while of different scope from claim 1, are also allowable over Duong, Braun, and Takayama for at least the reasons set forth in connection with independent claim 1.

Claims 2-4, 6-12, and 14-16 depend from independent claims 1 and 13, and because Duong, Braun, and Takayama do not support the rejection of independent claims 1 and 13, under 35 U.S.C. § 103(a), Duong, Braun, and Takayama also do not support the rejection of dependent claims 2-4, 6-12, and 14-16.

Conclusion

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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